

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COCHISE SAPP,

Plaintiff,

-v-

OFFICER RIED, #9277; OFFICER BRANDS
#13259; OFFICER BREATHWARTE, #12826;
CAPTAIN C. NAUGHTON, #257, and OFFICER
CONYERS, #5858;

Defendants.
-----X

07 CIV. 8266 (DLC)

PRETRIAL
SCHEDULING ORDER
IN PRO SE ACTION

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1-22-08</u>

DENISE COTE, District Judge:

The above-captioned action, which plaintiff has filed pro se, has been assigned to me. In order to guide the parties in their pursuit of the lawsuit, to assure that both sides become aware of the positions and contentions of the other, and to assure that the action moves expeditiously, I am entering the following order.

IT IS HEREBY ORDERED that defendants' counsel is instructed to contact the chambers of Magistrate Judge Eaton prior to **February 15, 2008**, in order to pursue settlement discussions under his supervision.

IT IS FURTHER ORDERED that all pretrial inquiry by each party into the evidence and knowledge of the other, whether by interrogatories, depositions, production of documents, or other discovery methods, be completed by **July 25, 2008**. Either party may request to have the date for the completion of discovery extended, and it will be extended if the party requesting the

extension demonstrates that its pursuit of the action has been diligent and that there is a good reason for extending the deadline. If no extensions are granted, no discovery will be permitted after these dates.

IT IS FURTHER ORDERED that plaintiff shall file a concise, written Pretrial Statement by **Septemer 5, 2008**. This Statement need take no particular form, but it must contain the following: 1) a statement of the facts plaintiff hopes to prove at trial; 2) a list of all documents or other physical objects that the plaintiff plans to put into evidence at trial; and 3) a list of the names and addresses of all witnesses plaintiff intends to have testify at trial. The Statement must be sworn by the plaintiff to be true and accurate based on the facts known by the plaintiff. Plaintiff shall file an original of this Statement with the Clerk of Court and serve a copy on the attorneys for defendants. The original filed with the Clerk of Court must include a certificate stating the date a copy was mailed to the attorneys for the defendants.

IT IS FURTHER ORDERED that the defendants file and serve a similar Statement of their case containing the same information by **September 19, 2008**. The defendants are further directed to file simultaneously with their Statement proposed findings of fact and conclusions of law, if the case is to be tried to the Court, or a proposed jury charge, if it will be tried before a jury. The pro se plaintiff may also file either proposed findings of fact and conclusions of law or a proposed jury

charge, but the plaintiff is not required to do so.

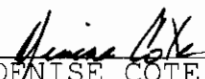
IT IS FURTHER ORDERED that any party may be prevented from presenting at trial any information that is not included in the required Statements.

IT IS FURTHER ORDERED that when filing any papers with the Court, the parties shall provide a courtesy copy to Chambers by sending them to this Court's Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York 10007.

IT IS FURTHER ORDERED that failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of judgment by default, or such other action as may be just in the circumstances.

SO ORDERED:

Dated: New York, New York
January 22, 2008



DENISE COTE
United States District Judge

COPIES SENT TO:

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